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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,748	12/11/2003	Belin Fieldson	15749-002001	9522
20985	7590	10/03/2008		
FISH & RICHARDSON, PC			EXAMINER	
P.O. BOX 1022			WINTER, JOHN M	
MINNEAPOLIS, MN 55440-1022				
			ART UNIT	PAPER NUMBER
				3685
NOTIFICATION DATE	DELIVERY MODE			
10/03/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/734,748	FIELDSON, BELIN	
	Examiner	Art Unit	
	JOHN M. WINTER	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 6/23/2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) 1-7 and 29 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 8-25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/0256/06)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Acknowledgements

1. The Applicants amendment filed on June 23, 2008 is hereby acknowledged, claims 8-25.

remain pending

2. Response to Arguments

3. The Applicant states Russell et al. do not disclose encoding and packaging digital content at a client.

The Examiner responds that the Applicants claim does not state that the “encoding and packaging digital content is performed at the client, the claim states “monitoring a web-based encoding and packaging of the digital content at the client by the web-based encoder object from the web-based encoder object” the examiner submits that the requirement of the claim is that the monitoring is performed at the client; however encoding and packaging could be performed at any location. Russel states that “Media player and security technology also provides security against tampering by performing integrity checks on its various components and other components within the user network-enabled device” The examiner submits that Russel’s disclosure of protection against tampering is analogous to the claimed feature of “monitoring a web-based encoding and packaging of the digital content at the client”

The Applicant states that do not disclose an encoder, much less a web-based encoder object.

The Examiner replies that paragraphs 67-68 of Russell disclose encrypted data, the Examiner contends that encrypted is analogous to encoded in terms if the claimed invention.

The Examiner submits that the feature of “web based” is merely a description of the type of process that is performed, Russell discloses a process that is network based including the usage of web servers (paragraph 36) although not explicitly stated is would be obvious that Russell’s teaching could be implemented as “web based”

The Applicant states Russell et al. also do not disclose generating a license key and a content header for digital content at a client.

The Examiner responds that as discussed above, this is not a requirement of the claimed invention.

4. Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabne et al. (US Patent 6,006,332) in view of Russell et al. (US Patent Application Publication 2002/0049679) and further in view of Horn et al. (US Patent Application Publication 20020198962)

6. As per claim 8,
Rabne ('332)discloses a method comprising:

receiving information associated with digital content at a client from the client;

generating a license key for said digital content; generating a content header for said digital content; transmitting the license key and the content header to the client; (generally disclosed in discussion of “Overview” at Column 9, line 60 – column 8 line 11 discusses access to content based on licensing agreement; also Column 7, line 10 discusses client has “ticket” [i.e. license key])

Rabne ('332) does not explicitly disclose hosting a web page including a web-based encoder object; monitoring a web-based encoding and packaging of the digital content at the client by the web-based encoder object from the web-based encoder object. Russell et al. ('679) discloses hosting a web page including a web-based encoder object; monitoring a web-based encoding and packaging of the digital content at the client by the web-based encoder object from the web-based encoder object. (Figure 1,3 and abstract). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Rabne ('332) method with the Russell et al. ('679) method in order to rent content to users via a website; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention..

7. As per claim 9,

Rabnc ('332) discloses the method of claim 8,

Official Notice is taken that “the web-based encoder object comprises an ActiveX object” is common and well known in prior art in reference to network protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an

ActiveX component in order to enable dynamic web content. Examiner notes that this feature is disclosed by Paragraph 15 of the Horne et al reference.

As per claim 10,

8. Rabne ('332) discloses the method of claim 8,

wherein said monitoring comprises receiving digital rights management events from the web-based encoder object during said encoding and packaging of the digital content (Figure 5).

9. As per claim 11,

Rabne ('332) discloses the method of claim 11,

Official Notice is taken that "receiving said events through a SOAP interface." is common and well known in prior art in reference to network protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a SOAP interface in order to allow access to cross platform components and integrate them into a website. Examiner notes that this feature is disclosed by Paragraph 15 of the Horne et al reference .

10. As per claim 12,

Rabne ('332) discloses the method of claim 10,

sending status information to the client in response to said events (Figure 5).

11. As per claim 13,

Rabne ('332) discloses the method of claim 10,

(a) further comprising transmitting enrollment information associated with the client to the client (Column 8, lines 10-19).

12. As per claim 14,

Rabne ('332) discloses the method of claim 8,

wherein said generating the license key comprises: generating a key ID for the digital content; and retrieving a license key seed associated with the client.(Abstract)

13. As per claim 15,

Rabne ('332) discloses the method of claim 8,

(a) further comprising: generating a license for the packaged digital content in response to a request from one of the client and a customer client; and downloading the license to the customer client.(Abstract)

14. Claims 16-25 are not patentably distinct from claim 8-15 and are rejected for at least the same reasons.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685